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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,181	02/09/2004	Hiroshi Machino	1163-0491P	6757
2292	7590	07/13/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			WEISKOPF, MARIE	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/773,181	MACHINO, HIROSHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Marie A. Weiskopf	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 March 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 4,5,8 and 9 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 4,5,8,9 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4, 5, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue et al. (US006295503B1).

Per claim 4, Inoue teaches a route searching apparatus including a map data acquiring unit (24, figure 1), a route searching unit for searching for a route to a destination in consideration of road links corresponding to specific roads, on which determination of whether or not a vehicle is allowed to travel can be performed according to a condition of the vehicle (column 2, lines 38-42), before the condition of the vehicle is set (see figure 3; route calculation with “not-decided” nodes), and an output unit for outputting the route (28, figure 1); counting road links corresponding to specific roads as targets to be searched (column 8, lines 24-38); urging setting of the condition (column 10, lines 54-57); that if the condition meets the requirements for permission to drive on the specific road, the route is sent to the display and if it does not, the route is calculated excluding those roads (column 9, lines 51-67);

Per claim 5, Inoue teaches a route searching apparatus including a map data acquiring unit (24, figure 1), a route searching unit for searching for a route to a destination in consideration of road links corresponding to specific roads, on which

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determination of whether or not a vehicle is allowed to travel can be performed according to a condition of the vehicle (column 2, lines 38-42), before the condition of the vehicle is set (see figure 3; route calculation with “not-decided” nodes), and an output unit for outputting the route (28, figure 1); counting road links corresponding to specific roads as targets to be searched (column 8, lines 24-38); urging setting of the condition (column 10, lines 54-57).

Per claim 8, Inoue teaches a route searching apparatus including a map data acquiring unit (24, figure 1), a route searching unit for searching for a route to a destination in consideration of road links corresponding to specific roads, on which determination of whether or not a vehicle is allowed to travel can be performed according to a condition of the vehicle (column 2, lines 38-42), before the condition of the vehicle is set (see figure 3; route calculation with “not-decided” nodes), and an output unit for outputting the route (28, figure 1); calculating the route excluding the specific roads (column 9, lines 51-67.); urging setting of the condition (column 10, lines 54-57); that if the condition meets the requirements for permission to drive on the specific road, the route is sent to the display and if it does not, the route is calculated excluding those roads (column 9, lines 51-67).

Per claim 9, Per claim 5, Inoue teaches a route searching apparatus including a map data acquiring unit (24, figure 1), a route searching unit for searching for a route to a destination in consideration of road links corresponding to specific roads, on which determination of whether or not a vehicle is allowed to travel can be performed according to a condition of the vehicle (column 2, lines 38-42), before the condition of

the vehicle is set (see figure 3; route calculation with “not-decided” nodes), and an output unit for outputting the route (28, figure 1); calculating the route excluding the specific roads (column 9, lines 51-67); urging setting of the condition based on the position (column 10, lines 58-65).

***Response to Arguments***

Applicant's arguments filed 3/29/06 have been fully considered but they are not persuasive. Specifically, the examiner does not agree with the applicant's arguments that Inoue fails to teach that the condition of the vehicle is set after the route is searched. Inoue discloses that when the vehicle stops, the ECU judges whether the relevant data has changed or not and if so it re-calculates the destination route. (Column 9, lines 29-43) This is having a condition set after the route has been searched. Also examiner does not agree with the applicant's arguments that Inoue does not teach the route searching unit searches for the route to the destination while counting road links corresponding to specific roads included in the map data acquired by the map data acquiring unit as targets to be searched for, when the searched for route includes a specific road, the route searching unit outputs a message to urge setting of the condition of the vehicle. As discussed above, Inoue teaches counting road links corresponding to specific roads as targets to be searched (Column 8, lines 24-38), Inoue teaches calculating the route excluding the specific roads (Column 9, lines 51-67) and also, Inoue discusses urging the setting of a condition at a certain position (Column 10, lines 54-57). This position could be the current position of the vehicle or when a specific road is included or excluded.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

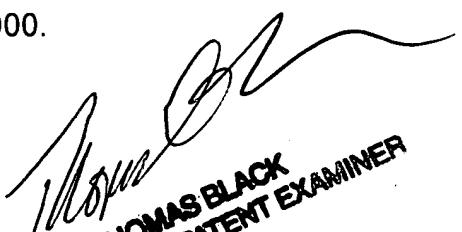
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie A. Weiskopf whose telephone number is (571) 272-6288. The examiner can normally be reached on Monday-Thursday between 7:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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THOMAS BLACK  
SUPERVISORY PATENT EXAMINER